17. (Original) The device of claim 2 wherein the threshold of tightness is determined based on the measured size of the patient and the allowable change to the circumference of the patient's chest.

18. (new) A device for compressing the chest of a patient comprising:

a belt adapted to extend at least partially around the chest of the patient and fastened on the patient;

a belt tensioning means operably connected to the belt for repeatedly tightening and loosening the belt around the chest of the patient;

a motor operably connected to the belt tensioning means, said motor capable of operating the belt tensioning means repeatedly to cause the belt to tighten about the chest of the patient and loosen about the chest of the patient;

a brake operably connected to the belt tensioning means and capable of holding the belt tensioning means in a tightened state about the chest of the patient;

a controller for controlling operation of the motor and brake, said controller programmed to select and operate the motor and brake in multiple compression and release patterns to cause repeated cycles of tightening of the belt in the selected compression and release pattern.

Remarks

Claims 1 - 17 remain pending in the application. Claim 2 is amended. Claim 8 is canceled. Claim 18 is new.

Double Patenting

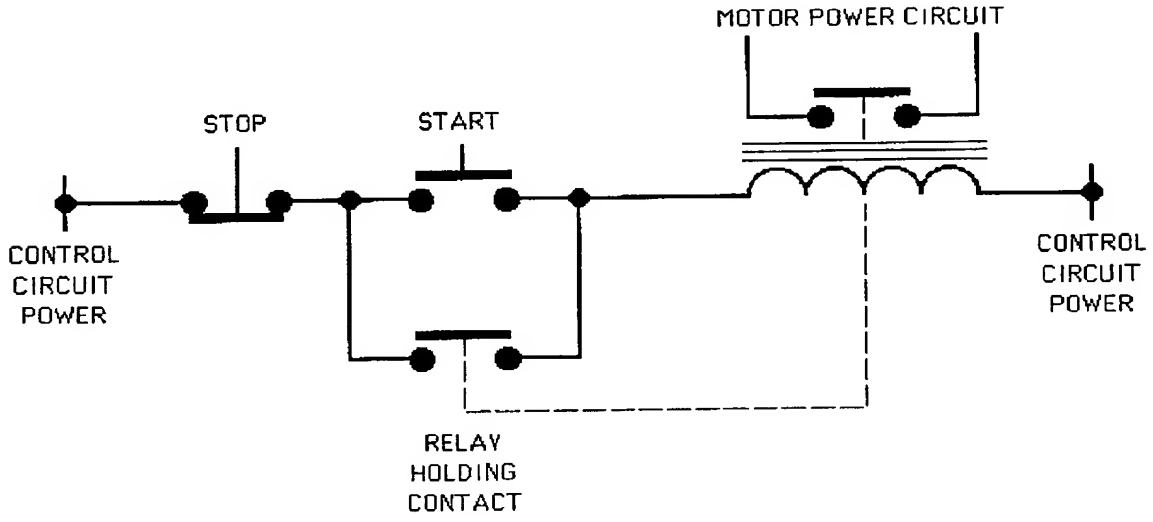
Claims 1 – 17 are rejected under the judicially created doctrine of obviousness-type double patenting. Terminal disclaimers executed by an attorney of record are filed with this response. Therefore, withdrawal of this rejection is respectfully requested.

Claims Rejection – 35 U.S.C. §102

The Office Action rejects claims 1 - 17 as anticipated by Lach et al. U.S. Patent 4,770,164. The Office Action asserts Lach teaches everything including a brake capable of holding the tensioning means in a tightened state about the chest. The Applicant respectfully traverses this rejection.

In claim 1 and claim 2, the Applicant claims, *inter alia*, a controller programmed to operate the motor and brake to cause repeated cycles of tightening of the belt to a set threshold of tightness, momentarily hold the belt at this threshold of tightness, and release the belt. Lach fails to disclose, teach or suggest a controller programmed operate the motor and brake to momentarily hold the belt at this threshold of tightness as claimed by the Applicant. Lach simply discloses stopping the motor when the belt is in the maximum-tautness or maximum-looseness. (col. 11 – 12). Unlike the Applicant, Lach fails to disclose repeated cycles of momentarily holding the belt in a set threshold and then releasing. Momentarily holding the belt at a threshold of tightness prolongs periods of high intrathoracic pressure improving the effectiveness of CPR. This benefit is not contemplated by Lach and Lach's systems is not enabled to momentarily hold the belt.

Lach discusses use of a "holding circuit" in conjunction with its electric motor. A "holding circuit," which also may be referred to as a "maintaining circuit" or a "stick circuit," is an elementary control circuit typically used with electric motors to energize and de-energize the motor. A holding circuit, such as one described in Lach, allows the electric motor to stay energized once it is turned on. A circuit diagram of a typical holding circuit for use with electric motors is illustrated below.



The Lach system uses a striker post as a mechanical stop or brake which can be used with an electric motor having a holding circuit. (col. 8, lines 29 and 30). Lach's motor can be turned off when the shaft of the motor hits the circuit interrupter as illustrated by the stop switch shown above. Lach cannot, however, momentarily hold its belt at a desired threshold in a manner as claimed by the Applicant. Thus, it is clear that

Lach's holding circuit holds the switch according to well established parlance and does not hold the belt in any particular position.

Lach teaches away from the Applicant's claimed momentary hold. Lach indicates the application of rhythmic thoracic compressions needs to be carried out without interruption. (col. 3, lines 12 – 15). Lach also indicates that cardiocirculatory forces must be applied and released abruptly which explains Lach's chosen design for his device. (col. 3, lines 9 – 12). Momentary holding of the belt at a threshold of tightness is distinguishable from an abrupt release of the belt and is not taught in Lach. Lach's explanation of an abrupt release further illustrates his holding circuit operates as a typical holding circuit, and does not hold the belt in any particular position.

Claim 3 includes limitations to a controller programmed to momentarily hold the drive spool in a braked condition during periods of each cycle. Lach fails to disclose, teach or suggest a controller programmed to momentarily hold the drive spool in a braked condition during periods of each cycle. The circuit in Lach does not momentarily hold during periods of each cycle as claimed by the Applicant and previously discussed. Because Lach fails to disclose, teach or suggest at least one claim limitation found in the Applicant's claimed invention, it does not anticipate claims 1 - 17.

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Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: July 31, 2006 By: _____

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